

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

It is Applicants' position that these amendments will overcome all of the objections and rejections raised by Examiner, considering the allowance of claims 10-23 and 57-58, and the Examiner's indication that claim 37 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Thus, claim 24 has been cancelled, rendering moot the rejection of this claim under 35 U.S.C. §103(a) based on a combination of the Majeti and Stanley et al. references.

Claim 25 has been cancelled since it is dependent on cancelled claim 24.

Claim 26 has been amended to depend on claim 10, and claim 27 has been amended to depend on claim 13, in view of the cancellation of claims 24 and 25.

Claim 28 has been cancelled, and therefore claims 29, 31, 33-34, 36, 38-40, 52 and 59 have been amended to depend on claim 37.

Claim 37 has been rewritten in independent form, by incorporating the subject matter of claim 28 from which it depended.

The objection to claim 54 has been rendered moot by deleting the second period at the end of this claim. Although not objected to by the Examiner, the same change has been made in claim 33.

Claim 61 has been cancelled since it is dependent on cancelled claim 24.

Referring to the first full paragraph on page 8 of the Office Action, the Examiner's suggestion has been adopted by reciting, in each of the independent claims under consideration (claims 10, 37 and 57) that the film is a dry film.

In view of the foregoing amendments, Applicants respectfully submit that each of the grounds of objection and rejection set forth by the Examiner has been rendered moot.

New claims 62-65 have been added to the application.

Claim 62 is identical to claim 10, except that component (iv) - one or more sweeteners - is omitted. This amendment is supported by original claim 1 of the application which mentions only "a flavor", but not a sweetener, as an essential component.

Claim 63 is identical to claim 10, except that component (iii) - one or more flavoring agents - is omitted. This is supported by the second paragraph on page 3 of the application

which indicates that the formulation may *optionally* contain "a combination of ... sweetening agents, flavors ... or other excipients commonly used to modify the taste of formulations intended for application to the oral cavity". Hence, this includes the case where the taste is modified by one or more sweeteners, with flavoring agents being only optionally present.

Claims 64 and 65 are identical to claim 57, except that component (iv) - one or more sweeteners - is omitted in claim 64, and component (iii) - one or more flavoring agents - is omitted in claim 65 (see claims 62 and 63 explained above).

Therefore, in view of the foregoing amendments and remarks, the application is now considered to be in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Horst Georg ZERBE et al.

By 

Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 1, 2010